

MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
December 15, 2009
7:00 P.M.

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on December 15, 2009, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman,
Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

PROCLAMATION: Bill of Rights Day - December 15, 2009
Human Rights Week - December 13-19, 2009

RECOGNITIONS: Burlington Police Department - Officer Commendations

APPROVAL OF MINUTES:

1. November 30, 2009 - City Council Work Session
2. December 1, 2009 - City Council Meeting

Upon motion by Councilmember Ross, seconded by Councilmember Butler, it was resolved unanimously to approve the foregoing minutes.

ADOPTION OF AGENDA

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ross, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

ITEM 1:

- A) To approve the North Carolina State Firemen's Association annual certification pursuant to N.C.G.S. 58-86-25.
- B) To award a bid to McPherson Grading Company in the amount of \$103,365.00 for the Maple Avenue sidewalk project. Funds to complete this project are made available by Community Development Block Grant funds.
- C) Adopt a resolution declaring the City of Burlington's intent to use Recovery Zone Economic Development Bonds.

09-16

RESOLUTION DECLARING CITY OF BURLINGTON'S INTENT TO USE RECOVERY ZONE
ECONOMIC DEVELOPMENT BONDS

WHEREAS, as part of the American Recovery and Reinvestment Act of 2009, the US Treasury released to states, Counties, and Cities allocations on June 12, 2009; and

WHEREAS, Alamance County has been allocated \$5.899 million as part of the Recovery Zone Economic Development Bonds; and

WHEREAS, Alamance County passed a resolution designating Alamance County as a recovery zone due to the significant unemployment and general distress in Alamance County at the October 19, 2009, Alamance County Board of Commissioners meeting; and

WHEREAS, the City Of Burlington requested and received an allocation of \$2.899 million from Alamance County at the November 16, 2009, Alamance County Board of Commissioners meeting.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF BURLINGTON, NORTH CAROLINA, intends to use the \$2.899 million of Recovery Zone Economic Development Bonds allocated from Alamance County for the purpose of improving the infrastructure within the City limits of Burlington in order to facilitate economic recovery.

- D) To approve the 2010 City Council and work session meetings schedule as follows:

Work Session Meetings:

January 4	July 19
February 1	August 2
March 1	September 20
April 5	October 4
May 3	November 1
June 14	December 20

City Council Meetings:

January 5 and 19	July 6 and 20
February 2 and 16	August 4 and 17
March 2 and 16	September 7 and 21
April 6 and 20	October 5 and 19
May 4 and 18	November 2 and 16
June 1 and 15	December 7 and 21

Upon motion by Councilmember Butler, seconded by Councilmember Huffman, it was resolved unanimously to approve the foregoing consent agenda.

PUBLIC HEARINGS:

ITEM 2: REZONE PROPERTY - FLUSHING STREET

Mayor Wall announced that a public hearing had been scheduled to consider rezoning from MF-A, Multifamily District, to CR, Conditional Residential District, to allow the use of a church with a parking lot across the street. The property is located at 331 Flushing Street as shown on Alamance County Tax Map 41-166-22 and 115-473-50A.

Mr. A. L. Williams asked Council to approve a Conditional rezoning to allow for the expansion of a church and an additional parking lot.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ross, it was resolved unanimously to close the public hearing.

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

09-20

ORDINANCE TO AMEND OFFICIAL ZONING MAP (REZONE PROPERTY AT 331
FLUSHING STREET FOR CHURCH AND PARKING LOT)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from MF-A, Multifamily District, to CR, Conditional Residential District, subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance the area described as follows:

Property located at 331 Flushing Street as shown on Alamance County Tax Map 41-166-22 and 115-473-50A.

Section 2. That the rezoning from MF-A to CR is hereby authorized subject to the following Use and Development Conditions:

Use Conditions:

Parcel 1 shall be used as a church with an addition, and Parcel 2 shall be used as a parking lot for the church.

Development Conditions:

- (1) Adequate lighting shall be provided for parishioners crossing the street and for the parking lot.
- (2) Development shall be as shown on a submitted site plan.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Butler, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

ITEM 3: REZONE PROPERTY - RIVERVIEW DRIVE

Mayor Wall announced that a public hearing had been scheduled to consider rezoning from R-6, Residential District, to R-M, Residential-Mobile Home District, property located on the east side of Riverview Drive approximately 300 feet from Durham Street Extension as shown on Alamance County Tax Map 12-30, Lots 3 and 4.

Petitioner was not present.

Mayor Pro Tem Huffman asked that the public hearing be continued due to the petitioner not being present and suggested that staff speak with Mr. Mitchell to offer the possibilities with Habitat for Humanity and financing through the Burlington Housing Authority.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to continue the public hearing to the January 5, 2010, Council meeting to allow the petitioner to be present for questions and comments.

ITEM 4: CHANGE PORTION OF MOREHEAD STREET TO WEST MAPLE AVENUE

Mayor Wall announced that a public hearing had been scheduled to consider changing the name of a portion of West Morehead Street to West Maple Avenue.

Planning Director Bob Harkrader stated that Council granted a conditional rezoning to the First Presbyterian Church and also closed a portion of Morehead Street and that property was sold as surplus property to the church. This request would change a small portion of Morehead to Maple Avenue.

Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to close the public hearing.

Councilmember Ross moved for the adoption of the following resolution:

09-17

RESOLUTION TO CHANGE NAME OF A PORTION OF WEST MOREHEAD STREET TO
WEST MAPLE AVENUE

WHEREAS, the City Council of the City of Burlington, NC, has been requested to change the name of a portion of West Morehead Street to West Maple Avenue; and,

WHEREAS, the City Council of the City of Burlington has considered this request; and,

WHEREAS, after due consideration of this matter, the City Council desires to change the name of a portion of West Morehead Street to West Maple Avenue.

NOW, THEREFORE, be it resolved by the City Council of the City of Burlington, NC:

Section 1: That a portion of West Morehead Street is changed to West Maple Avenue.

Section 2: That this resolution shall take effect upon passage.

The foregoing resolution was seconded by Councilmember Faucette, and it was passed unanimously.

ITEM 5: CITIZEN COMMENTS - HOUSING AND NEIGHBORHOOD AND COMMUNITY REVITALIZATION - FIVE-YEAR CONSOLIDATED PLAN

Mayor Wall announced that a public hearing had been scheduled to receive citizen comments on housing and neighborhood and community revitalization needs to develop the five-year consolidated plan for the Community Development Block Grant Program.

Ms. Dianne Shipmon, 334 Isley Avenue, volunteer chair for Alamance County Interagency Council for Homeless Assistance, requested funds for homeless families. She stated that January 28, 2009, 121 people were listed as being homeless. There is a statewide need for affordable housing and that one would need to make an average salary of \$11.44 per hour to afford a rent of \$595.00 per month. Ms. Shipmon stated that currently the emergency shelter was open from 7:00 p.m. to 7:00 a.m. and a day shelter in Graham is opened only on Tuesdays, Wednesdays and Thursdays to 2:30 p.m. which meant that the homeless had no place to go the other hours of the day and nowhere to go if they had used the 90-day limit stay at the emergency shelter. This left the library as the only warm place to go during the day. Ms. Shipmon stated that seven days a week a drop-in center was needed. This drop-in center could provide the homeless with a place to stay, a place to work on getting a job such as filling out applications, make phone calls, wash clothes, prepare for job interviews, etc. Ms. Shipmon asked Council to consider funds for a drop-in day program for the homeless.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to close the public hearing.

REPORT:

ITEM 6: BURLINGTON DOWNTOWN CORPORATION

Burlington Downtown Corporation Director Anne Morris and Downtown Corporation President Kelly May gave a report on downtown activities.

Ms. Kelly May stated that the mission of the Burlington Downtown Corporation (BDC) was to creatively manage and enhance the development of downtown Burlington as the cultural, historic, social and economic center of the community. Ms. May stated that Downtown

Burlington was formed in 1988 to administer the City's Main Street program, a 501(c)3 non-profit governed by a 15-member board of directors plus four ex-officio members. The BDC is led by a full-time executive director and a part-time programs/communications manager. Ms. May stated that the municipal service district was made up of Lexington, Webb, Front and Morehead streets and the tax rate is 16 cents on \$100 valuation. The BDC receive contributions from the City and private funders and that the 2009-2010 budget was \$193,650.00.

Ms. Anne Morris, Downtown Burlington Corporation Director, stated that a great City required a great downtown and needed to be lively and full of people. Ms. Morris stated that her goal and the goal of the Downtown Corporation was to work in partnership with the City, with the private sector and the non-profit sector to make downtown Burlington a premier location for business, living and entertainment.

The Municipal Service District was valued at \$71.4 million during the most recent assessment. Since the BDC's inception in 1987-88, Burlington has seen a cumulative investment of \$45.6 million. During that time Burlington has seen 75 façade renovations, 35 building renovations, 1,177 new jobs and 34 net new business and 32 expansions.

Ms. Morris stated the organization's development efforts were two-pronged; first, to encourage and facilitate the rehabilitation of Burlington's historic commercial buildings and help locate sustainable businesses in them; secondly, to encourage and facilitate the appropriate development of a number of infill opportunity sites identified in the Master Plan. These would include several municipal parking lots that the BDC would work with the City to make available for private investment. Next would be to develop a number of anchors to bring a large number of users downtown on a daily basis. LabCorp was already a key anchor that brought thousands of employees' downtown. She pointed out that the library was another existing anchor for downtown and that the Company Shops Market that planned to open next year on Front Street would bring thousands of people a month to Downtown Burlington.

Things to look forward to: Downtown branding effort, "invest in Burlington" brochures/marketing materials, familiarization tours for developers/investors, improved streetscapes and public spaces, a "development toolbox", and marketing of key opportunity sites.

Ms. Morris reviewed the 2009-2010 work plan which can be found below and on the website.

BURLINGTON DOWNTOWN CORPORATION PLAN OF WORK 2009-2011

Vision: To be developed Mission: To creatively manage and enhance the development of Downtown Burlington as the cultural, historic, social and economic center of the community.			
Organization "An Energized Partnership"	Promotion "Rediscovering the Opportunities: Branding"	Design "It's in the Details: Physical Improvements"	Economic Restructuring "The Regional Choice for Entrepreneurs: The Market"
Vision: The BDC and a host of partners will unite to support the many facets of the master plan. The result will be a more vibrant economy, not only for downtown, but for Burlington and Alamance County as well.	Vision: The "Burlington Brand" will become a well-recognized promotional tool in publicizing existing success stories, restore community pride in downtown, and attract investors from across the region and to the opportunities for new investment.	Vision: Burlington's physical environment will be a signal to investors that the community is ready for revitalization and positioned for long-term investment, while showing immediate improvements for existing downtown stakeholders and visitors.	Vision: Downtown will leverage its strategic regional position to become the location of choice for a variety of entrepreneurs, creating a sustainable and diverse economic engine that will restore downtown as a vibrant part of the regional economy.
Goal: Strengthen the human, financial and knowledge-base resources of BDC for continued growth as the organization charged with leading and managing downtown.	Goal: Establish a recognized brand identity for the BDC and downtown Burlington to be used as the framework for improving communication and promoting the assets of downtown Burlington.	Goal: Improve the physical appearance and civic infrastructure of downtown Burlington for renewed community pride and increased private investment.	Goal: Position downtown Burlington for targeted new investment and business retention and expansion that will further the vision.
Human Resources	Branding/Marketing Downtown	Civic Realm	Education
<input type="checkbox"/> Refocus the BDC mission statement to include a leadership role in recruiting and fostering redevelopment efforts <input type="checkbox"/> Develop an overall vision statement for downtown Burlington <input checked="" type="checkbox"/> Hire a full-time director with development experience and provide adequate staff <input checked="" type="checkbox"/> Fill existing Board vacancies in a way that will strengthen the Board and achieve the vision <input checked="" type="checkbox"/> Establish committees to focus on core mission functions	<input type="checkbox"/> Launch a downtown Burlington image package <input type="checkbox"/> Develop an "Invest in Burlington" brochure/marketing package <input type="checkbox"/> Roll out brand expansion for all events <input type="checkbox"/> Work with the City to initiate the design of a wayfinding system using the brand <input type="checkbox"/> Create a Burlington Ambassador program to recruit destination retailers for expansion to downtown Burlington	<input type="checkbox"/> Work with the City to initiate Design Area Improvements as described in the Master Plan <input type="checkbox"/> Explore community partnership opportunities for beautification efforts downtown <input type="checkbox"/> Work with the City Public Works department to maintain and improve cleanliness and attractiveness of downtown	<input type="checkbox"/> Host familiarization tours with development groups to acquaint them with Burlington <input type="checkbox"/> Present the findings of the Master Plan to groups in the community and region <input type="checkbox"/> Develop information sheets for each vacant and underutilized property in downtown <input type="checkbox"/> Present the findings of the market study to the community <input type="checkbox"/> Host business field trips to vibrant downtowns <input type="checkbox"/> Inform potential investors and property owners about potential for receiving tax credits
Financial Resources	Communication	Built Environment	Project Funding
<input type="checkbox"/> Build a sustainable funding strategy for the BDC <input type="checkbox"/> Identify potential supplemental funding sources	<input checked="" type="checkbox"/> Update and maintain website <input type="checkbox"/> Produce a quarterly newsletter and a newsletter <input type="checkbox"/> Initiate a bi-monthly Leadership Breakfast <input type="checkbox"/> Host Annual Meeting and produce Annual Report	<input type="checkbox"/> Identify and rank properties in need of exterior improvements <input type="checkbox"/> Study the effectiveness of the grants/grant program as an incentive tool <input type="checkbox"/> Work with property owners to suggest possible façade improvements	<input type="checkbox"/> Create an "FDI" toolbox with information about available development resources <input type="checkbox"/> Develop special financing for purchase and rehabilitation of structures <input type="checkbox"/> Build groundwork for a revolving loan fund/investment package
Knowledge Base	Promoting Downtown's Assets	Gateways/The Broader Context	Project Development
<input checked="" type="checkbox"/> Maintain and manage statistical data <input checked="" type="checkbox"/> Maintain inventory of all MSD properties <input checked="" type="checkbox"/> Maintain database of available properties, including realtor's marketing materials <input checked="" type="checkbox"/> Grow downtown relationships through one-on-one communication	<input type="checkbox"/> Create a co-op campaign with existing businesses/investors outlining success stories <input type="checkbox"/> Produce PSA on Downtown Assets	<input type="checkbox"/> Work with the City to develop a strategy and timeline for Master Plan improvements <input type="checkbox"/> Review City Ordinances and work with the City to initiate any needed updates or changes	<input type="checkbox"/> Identify and develop database of potential developers & investors <input type="checkbox"/> Act as a liaison between project proponents and the City to facilitate development <input type="checkbox"/> Partner with the City for site control and marketing of key opportunity properties

☐ Too priority items

REQUEST AND COMMUNICATION:

ITEM 7: MS. SUE DAYTON - BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

Ms. Sue Dayton, Blue Ridge Environmental Defense League, addressed the City Council concerning sewer sludge.

Ms. Dayton gave a report on the danger of spreading sewer sludge near schools. Ms. Dayton requested on behalf of the Blue Ridge Environmental Defense League, its 40 chapters and members, that Mayor Wall and members of the Burlington City Council voluntarily increase buffers for the spreading of sewage sludge from 400 feet to 7,920 feet (1.5 mile) from public and private schools in counties where it is permitted to spread sludge as a precautionary measure to reduce the potential health risks from the spreading of sewage sludge to children.

Mr. Eric Davis, Water and Sewer Operations Manager, stated that the nature of local government was to make the best decisions regarding the disposal of wastewater. As federal and state rules had evolved, the City had evolved as well. Mr. Davis stated that land application was considered the most beneficial way to dispose of wastewater and that Burlington was operating to compliance.

Mr. Jon Risgaard, Land Application Unit Supervisor, NCDENR, Aquifer Protection Section, stated that Ms. Dayton's organization had done a lot to educate the public and that DENR was making rules accordingly. Mr. Risgaard also stated that the state program met and exceeded the state's EPA rules and that the City of Burlington was meeting those requirements.

NEW BUSINESS:

ITEM 8: 2010 FEES AND CHARGES SCHEDULE - EFFECTIVE JANUARY 1, 2010

Mayor Wall announced that the City Council would consider approving the Fees and Charges Schedule to be effective January 1, 2010.

City Manager Harold Owen stated there were minimal changes in the 2010 schedule. He stated that Duke Energy's price increase would require an increase in Recreation charges to cover the cost of lights.

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the 2010 Fees and Charges Schedule effective January 1, 2010.

ITEM 9: NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES (NCDENR) PROJECT NUMBER DEH 1354 - WATER TANK MIXER
STIMULUS PROJECT - RESOLUTION OF AWARD AND REVISED BUDGET AMENDMENT
2010-26

Mayor Wall announced that the City of Burlington had been approved for American Recovery and Reinvestment Act of 2009 (ARRA) Revolving Loan assistance in the amount of \$101,400.

Water Resources Director Bob Patterson stated that the City received an award of funding through the American Recovery and Reinvestment Act 2009 (ARRA) for the installation of solar tank mixers at each of its three elevated water tanks. The purpose of the mixers was to keep the water in each tank stirred so that layers of different temperatures do not form, minimizing short-circuiting and the age of the water in the tank, resulting in better water quality. Mr. Patterson stated that ARRA funding was based on preliminary engineering estimates submitted at the time of the application. The City received an award of \$101,400 for the project in the form of a 20-year, 0% loan with 50% of the loan principle being forgiven. Upon review by Cavanaugh & Associates as well as the Water Resources Department it was recommended that the contract be awarded to Utility Services in the amount of \$115,200.00.

Mr. Patterson asked Council to adopt the resolution of formal acceptance for the AARA loan, approve the amended Budget Amendment 2010-26 to include the additional construction cost, engineering design, fees and loan fees and to adopt a resolution of tentative award of the Solar Tank Mixer project in the amount of \$115,200.00 to Utility Service Company, Inc., and to authorize the City Manager and Director of Finance and Risk Management to execute any subsequent documents as needed.

Mr. Patterson further stated that staff was working with Public Water Supply to request additional funding to cover the amount over the original ARRA award. While there are no guarantees, an additional award was expected to cover some of the extra expenses.

Councilmember Ross moved to approve the following:

1. Adopt a resolution of acceptance for the ARRA loan.

09-18

RESOLUTION OF ACCEPTANCE FOR THE STATE REVOLVING LOAN

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of

construction of wastewater treatment work, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$101,400 for the construction of American Recovery and Reinvestment Act of 2009 (ARRA) project entitled "Installation of Solar Mixing Technology for Potable Water Storage", and

WHEREAS, the City of Burlington intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

That the City of Burlington does hereby accept the State Revolving Loan offer of \$101,400 and any additional funding that may be provided.

That the City of Burlington does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II - Assurances will be adhered to.

That Harold Owen, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Burlington has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and the Federal and State grants and loans pertaining thereto.

Adopted this the 15th day of December at Burlington, North Carolina.

2. Approve Budget Amendment 2010-26 - to modify the Elevated Water Storage Tanks Solar-Powered Mixers ARRA Project Ordinance to include the engineering fee (\$17,500), loan fees (\$2,028), and the difference between the loan amount and the bid amount (\$13,800).

BA2010-26

Increase Revenues:

030-39398-0000	Appropriated Fund Balance	\$ 33,328
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Increase Expenditures:

030-66661-9100	Operating Transfers Out	\$ 33,328
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ELEVATED WATER STORAGE TANKS SOLAR-POWERED MIXERS ARRA PROJECT ORDINANCE
BA2010-26
(Originally established with BA2010-12)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

- Sec. 1. The project authorized consists of installing solar-powered mixers in each of the City's three elevated water storage tanks.
- Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the budget outlined in this project ordinance.
- Sec. 3. The following revenues are anticipated to be available to the City to complete the project:
- | | |
|-----------------------------------------------|-----------|
| 643-38000-0030 Operating Trans In - W&S | \$ 33,328 |
| 643-38100-0002 Revolving Loan Proceeds (ARRA) | 50,700 |
| 643-38200-0000 Principal Forgiveness Grant | 50,700 |
- Sec. 4. The following amounts are appropriated for the project:
- | | |
|-------------------------------------------|----------|
| 643-50000-1909 Loan Fees | \$ 2,028 |
| 643-50000-1900 Professional Services | 17,500 |
| 643-60000-7300 Capital-Other Improvements | 31,300 |
| 643-60000-7300 Capital-Other Improvements | 83,900 |
- Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.
- Sec. 6. Copies of this project ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.
- Sec. 7. That this ordinance shall take effect upon passage.

3. Adopt a resolution of tentative award in the amount of \$115,200.00 to Utility Service Company, Inc., and to authorize the City Manager and Director of Finance and Risk Management to execute any subsequent documents as needed.

09-19

RESOLUTION OF TENTATIVE AWARD

WHEREAS, THE city of Burlington, North Carolina has received bids, pursuant to duly advertised notice therefore, for construction of the American Recovery and Reinvestment Act of 2009 (ARRA) project entitled "Installation of Solar Mixing Technology for Potable Water Storage"

WHEREAS, Cavanaugh & Associates, P.A., Consulting Engineers, have reviewed the bids; and

WHEREAS, Utility Service Company, Inc. was the lowest, responsible bidder for the project entitled "Installation of Solar Mixing Technology for Potable Water Storage", in the total bid amount of \$115,200.00, and

WHEREAS, the consulting Engineers recommend TENTATIVE AWARD be made to the lowest, responsible bidder.

NOW, THEREFORE, BE IT RESOLVED THAT TENTATIVE AWARD is made to the lowest, responsible bidder in the Total Bid Amount of \$115,200.00.

<u>NAME OF CONTRACTOR</u>	<u>AMOUNT</u>
Utility Service Company, Inc.	\$115,200.00

BE IT FURTHER RESOLVED THAT SUCH TENTATIVE AWARD be contingent upon;

1. The Contractor's submittal of applicable Disadvantage Business Enterprise (DBE) documentation and approval of said submittal by the Engineer and/or the North Carolina Department of Environment and Natural Resources; and
2. Any other necessary or required approvals by the North Carolina Department of Environment and Natural Resources.

The foregoing motion was seconded by Councilmember Faucette, and it was passed unanimously.

ITEM 10: AWARD A BID - THOMPSON-ARTHUR DIVISION APAC-ATLANTIC, INC.
- 2010 STREET RESURFACING PROJECT - BUDGET AMENDMENT 2010-27

Mayor Wall announced that the City Council would consider awarding a bid in the amount of \$1,717,791.84 to Thompson-Arthur Division APAC-Atlantic, Inc., for the 2010 street resurfacing project and to approve Budget Amendment 2010-27.

Mr. Lanny Rhew, City Engineer, stated that resurfacing in the downtown district had been identified based on pavement conditions. The City had been allocated \$2.8 million for use of recovery bonds and staff recommended resurfacing. Bids were received from five potential contractors which came in considerably less than the engineer's had estimated to be \$2.55 million. APAC was the lowest bidder at \$1.72 million. Mr. Rhew asked Council to award the bid to APAC. Mr. Rhew also stated that staff recommended an extension of the contract in order to take advantage of the current pricing and to fully utilize the recovery bonds.

Upon motion by Councilmember Ross, seconded by Councilmember Faucette, it was resolved unanimously to award the bid to APAC and approve Budget Amendment 2010-27, Street Resurfacing Recovery Zone Economic Development Financing Project Ordinance.

STREET RESURFACING RECOVERY ZONE ECONOMIC DEVELOPMENT
FINANCING PROJECT ORDINANCE
BA2010-27

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159, of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

- Sec. 1. The project authorized is the Street Resurfacing Recovery Zone Economic Development Project Ordinance to improve the infrastructure within the City limits of Burlington in order to facilitate economic recovery.
- Sec. 2. The officials of the City of Burlington are hereby directed to proceed with this project within the budget outlined in the project ordinance.
- Sec. 3. The following revenues are anticipated to be available to the City to complete the project:
- | | | |
|----------------|----------------------------|--------------|
| 440-38100-0000 | Proc from RZED Install Fin | \$ 2,899,000 |
|----------------|----------------------------|--------------|
- Sec. 4. The following amounts are appropriated for the project:
- | | | |
|----------------|---------------------------|-----------|
| 440-50000-1909 | Loan Fees | \$ 5,000 |
| 440-50000-1900 | Professional Services | 50,000 |
| 440-60000-8000 | Contingency | 290,000 |
| 440-60000-7301 | Street Resurfacing/Repair | 2,554,000 |
- Sec. 5. The Finance Director shall report on the financial status of this project as directed by the City Council and shall inform the Council of any unusual occurrences.
- Sec. 6. Copies of this project ordinance shall be made available to the Budget Officer and the Finance Director for direction in carrying out this project.
- Sec. 7. That this ordinance shall take effect upon passage.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENTS

- Mayor Wall reminded Council to submit three to five items by December 22, 2009, to be discussed at the January 28, 2010,

Council Retreat to be held from 8:00 am to 1:30 pm at the John R. Kernodle Senior Center.

- Councilmember Butler received comments from citizens commending our sanitation workers for a job well done.
- Councilmember Ross also commended water/sewer maintenance crews for its diligent work performed on recent water breaks.

REQUEST FOR CLOSED SESSION:

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to go into closed session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the City Attorney.

CLOSED SESSION WAS HELD

RETURN TO OPEN SESSION:

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ross, it was resolved unanimously to return to open session.

ADJOURN:

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Faucette, it was resolved unanimously to adjourn.

Jondeen D. Terry
City Clerk